

UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

HODELL-NATCO INDUSTRIES, INC.,	)	CASE NO.: 1:08 CV 2755
et al.	)	
	)	JUDGE WELLS
Plaintiffs,	)	
	)	<b><u>MOTION FOR LEAVE TO</u></b>
vs.	)	<b><u>WITHDRAW AS COUNSEL FOR</u></b>
SAP AMERICA, INC., et al.,	)	<b><u>DEFENDANTS LSI- LOWERY</u></b>
	)	<b><u>SYSTEMS, INC. AND THE IBIS</u></b>
Defendants.	)	<b><u>GROUP, INC.</u></b>

Now comes the undersigned counsel, for himself and his firm, and moves this Court for an Order permitting withdrawal from this case from the further representation of Defendants LSi-Lowery Systems, Inc. and The IBIS Group, Inc. Pursuant to Local Rule 83.9 of the U. S. District Court for the Northern District of Ohio, the undersigned counsel has provided written notice to the client and all parties of the intent to withdraw, and, by this motion, is requesting leave to withdraw. The clients have no objection to this motion.

Defense counsel were originally retained by Defendants' insurance carrier and paid by the carrier. As a result of a Declaratory Judgment ruling from the United States District Court for the Eastern District of Missouri, (a copy of which is attached as Exhibit A). The insurer of LSi-Lowery System, Inc. (and IBIS, its predecessor) withdrew from paying defense costs to this litigation. (See letter dated November 14, 2013 from counsel for the insurance carrier attached as Exhibit B). The corporation, which is still doing business in St. Louis, Missouri as LSi-Lowery, Inc., has insufficient cash flow or

assets to continue to defend this litigation. The clients are not paying fee obligations or making provisions to pay future bills. The clients have been given the opportunity to undertake the obligation to pay continued defense expenses and have also been given ample warning that failure to commit to a plan and to pay for continued representation will result in this motion. The clients have represented they do not possess the ability to pay or the willingness to pay and have agreed to the filing of this motion.

All discoveries with the exception of expert discovery have been completed, and dispositive motions all ruled upon. The trial date of November 17, 2014 is sufficiently far enough in the future that permitting withdrawal at this time will not unduly prejudice the parties or this Court as there is sufficient time for the remaining parties and this Court to adjust trial strategies and pre-trial procedures accordingly. There is also time for the clients to retain substitute counsel should that opportunity or option arise.

Therefore, there being no source to pay continuing defense costs and attorney fees, it is respectfully requested that this Court issue an Order permitting the defense counsel Roy A. Hulme, Rafael P. McLaughlin, and the firm of Reminger Co., L.P.A. to withdraw as counsel for Defendant Lsi-Lowery Systems, Inc. and The IBIS Group, Inc.

Respectfully submitted,

/s/ Roy A. Hulme  
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*Attorney for Defendants LSi Lowery  
Systems, Inc. and The IBIS Group, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing Motion for Leave to Withdraw as Counsel was filed electronically this 11th day of July, 2014. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's electronic filing system.

/s/ Roy A. Hulme  
ROY A. HULME (0001090)